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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

AUG 13 2004

OFFICE OF
PREVENTION, PESTICIDES AND
TOXIC SUBSTANCES

David C. Ailor, P.E.
Director of Regulatory Affairs
American Coke and Coal Chemicals Institute
1255 Twenty-Third Street, N.W.
Washington, D.C. 20037-1174

Dear Mr. Ailor:

Thank you for your letter of November 30, 1999, to the U.S. Environmental Protection Agency (EPA) concerning the High Production Volume (HPV) Challenge Program. Your letter was written on behalf of the members of the American Iron and Steel Institute (AISI) and the American Coke and Coal Chemicals Institute (ACCCI) Coke Oven Environmental Task Force (COETF). Eleven members of the AISI/ACCCI COETF sent in separate letters in support of your letter. We apologize for the delay in responding.

We have reviewed your request to remove two chemicals - Fuel gases, coke-oven, (CAS No. 65996-81-8), and Ammonia liquor, (coal), (CAS No. 6599680-7), from the HPV Challenge Program Chemical List. Your rationale is that these two chemicals are byproducts which were erroneously reported to EPA under the Toxic Substances Control Act (TSCA) Inventory Update Rule (IUR).

Fuel gases, coke-oven, (CAS No. 65996-81-8)

Based on the information you provided to EPA, we have determined that the substance Fuel gases, coke-oven, (CAS No. 65996-81-8), can be considered a byproduct, as this term is defined under 40 CFR §710.4(d)(2). As you stated in your letter, after it is produced, the chemical is burned as a fuel. Under TSCA, byproducts used for the sole commercial purpose of being burned as a fuel are exempt from IUR reporting. All reporting companies confirmed via a letter that their entire production of Fuel gases, coke-oven, (CAS No. 65996-81-8), is burned as a fuel. In addition, all reporting companies confirmed that they do not anticipate producing Fuel gases, coke-oven, (CAS No. 65996-81-8), for any other purpose or in any manner other than as described above. EPA recommends each company amend their IUR reports to reflect accurate production volumes for this chemical. Information on how to amend your IUR reports can be found at the following web site: http://www.epa.gov/opptintr/iur/iur02/form_u02.pdf.

Ammonia liquor, (coal), (CAS No. 65996-80-7)

Based on the information that you have provided to EPA, we have determined that the substance Ammonia liquor, (coal), (CAS No. 65996-80-7), cannot be considered a byproduct, as this term is defined under 40 CFR §710.4(d)(2). Because this substance is used in a chemical reaction with a chemical reagent, such as sulfuric acid, to form the desired product, (i.e., ammonium sulfate, which is not originally present in this ammonia liquor), it is not considered a byproduct. In this way, ammonia liquor (coal) functions as a chemical feedstock or reactant instead of a byproduct. In addition, this ammonia liquor typically contains some phenol and possibly other organic substances. Consequently, it cannot be considered an inorganic substance for the purpose of the IUR, and would therefore not qualify for the IUR reporting exemption for inorganic substances.

No Longer HPV Determination

As you know, EPA posted draft guidance on procedures for removing chemicals that are no longer HPV from the scope of the voluntary HPV Challenge Program on its Chemical Right-to-Know (ChemRTK) website (www.epa.gov/chemrtk) in March 1999. Based on our review of the most up-to-date Inventory Update Rule (IUR) reporting for years 1998 and 2002, EPA has determined that Coke Oven Fuel Gas, (CAS No. 65996-81-8), and Ammonia liquor (coal), (CAS No. 65996-80-7), **do not meet** the "no longer HPV" criteria. Therefore the designation for this chemical on the HPV Challenge Program list will not be modified, and the chemical will remain on the HPV Challenge Program Chemical List. To date, this chemical remains eligible for sponsorship under the HPV Challenge Program. Chemicals which are not voluntarily sponsored will be considered for inclusion under a TSCA Section 4 test rule.

We will post your letters, accompanied by our reply, on the ChemRTK website as soon as possible. Should you have any questions pertaining to this response, please contact Diane Sheridan at (202) 564-4770. If you have general questions concerning the HPV Challenge Program, please submit them through the ChemRTK website comment button or through the TSCA Assistance Information Service (TSCA Hotline) at (202) 554-1404. The TSCA Hotline can also be reached via e-mail at tsca-hotline@epa.gov.

Sincerely,

Wardner G. Penberthy
Acting Director
Chemical Control Division

cc: Jeffrey Wentz, Acme Steel Company
Stephen S. Felton, AK Steel Corporation
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cc's continued:

Kevin J. Fitzgerald, Koppers Industries

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Mike Griffin, Sloss Industries Corporation

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Anthony Spinola, U.S. Steel

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